



## Local Government Commission

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*Board of Directors* June 26, 2008

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Dr. Xavier Swamikannu  
Los Angeles Regional Water Quality Control Board  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013

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Re: Draft Tentative MS4 NPDES Permit for the Ventura Countywide Stormwater Program

**Councilmember Pam O'Connor**  
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**Supervisor John Woolley**  
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**Executive Director**  
Judith A. Corbett

The Local Government Commission (LGC) appreciates the opportunity to provide comments on the land development program in the Draft Tentative Permit for the Ventura County Stormwater Program. These comments build upon our comments submitted May 29<sup>th</sup>, 2008 as part of our on-going project to align water quality and land use planning policies in Ventura County. Funded by Proposition 40, this project has enabled LGC to work with local and regional stakeholders to integrate stormwater management, land use planning and watershed protection programs.

The comments below, and in the attached paper, support inclusion of smart growth practices in the final permit that provide stormwater benefits and minimize the water quality impacts of development. Smart growth is not only important to water management but also to reducing land conversion, air pollution and greenhouse gas (GHG) emissions.

The permit includes wide ranging details that address stormwater management at several scales: from watershed management to site level practices. The draft permit also includes language on the importance of smart growth and supports inclusion of efficient land use within plans, ordinances and policies. However, certain parameters take technical, legal and enforcement precedence. Several measures, notably the effective impervious cover element and the expected response to hydromodification rules are likely to drive the ultimate plans and ordinance changes at the local level. As we have noted previously, permit compliance will not occur in a policy vacuum. Changes will be considered in an already contentious policy environment related to infill, traffic concerns, the CEQA process and starkly lower revenue streams.

The selection of policies and best management practices will thus be weighed against several factors: ease of implementation, cost, salability, and local water stressors. Perhaps more importantly, the ability to measure results is likely to drive the adoption of certain measures over others. While there are several models that can assess impacts at the larger scales at which smart growth operates, they are not as robust as models that operate at the site or subdivision scale. The mix of on-site requirements being used to advance LID in the permit poses challenges for smart growth planning strategies that also provide stormwater benefits, including compact development, urban infill, and redevelopment. As proposed, on-site requirements will be easier to implement, easier to measure for compliance and less expensive to achieve at lower densities and on undeveloped "greenfield" sites than at higher densities and on urban infill and redevelopment sites. This further tilts an already slanted playing field

in favor of dispersed, low-density land use patterns that add imperviousness and disrupt larger areas of natural drainage patterns in the watershed.

The draft permit does, however, contain provisions to help address these issues. The alternative compliance mechanism called the Redevelopment Project Area Master Plan (RPAMP) provides an opportunity to include smart growth as a stormwater strategy. As part of the alternative compliance program, RPAMPs could be used to integrate smart growth and LID within the regulatory framework of the permit, enabling a merger of green site design and green communitywide design in Ventura County. The program reflects an evolving awareness of the root causes of stormwater runoff and the true scale of its impacts: that development patterns are central to existing and future water quality problems; that the location of development affects its impact on water quality; that the overall form of development, and our communities as a whole, affects water quality; and that infill, redevelopment, and compact development provide water quality and watershed benefits for which they should be given credit.

RPAMPs are a departure from conventional stormwater management approaches, and it is this innovation that is so promising. Yet this novelty also increases the challenges and complexities of developing the program. In the end, RPAMPs will only be successful if they make redevelopment as attractive as greenfield development or remodeling of an existing building to avoid new permit requirements. Many unanswered questions remain. *How will an RPAMP be developed? What are the performance criteria? What are the conditions of approval? How much will it cost? How long will it take to develop and what happens in the interim? How are areas designated? What rules still apply within the RPAMP?* LGC has led initial stakeholder discussions to start approaching these questions. Now a broader dialogue, and additional analysis are needed. We propose one or more RPAMP workshops to further conceptualize the program and determine how it will be administered. The workshop(s) will clarify key questions about the overall objectives of the program, methods for determining RPAMP areas and performance criteria, clarifying conditions of approval, and finally the options for piloting the program.

To advance the discussion and hopefully refine the program, we have prepared a concept paper outlining some of the main ideas and challenges behind the program. We look forward to continued collaboration with the Regional Board, local agencies, environmental organizations and other stakeholders in developing comprehensive and sustainable solutions to water and land use challenges.

Again, we appreciate the chance to provide comments to support development of the MS4 NPDES Permit for the Ventura Countywide Stormwater Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Clark Anderson". The signature is fluid and cursive, with a long horizontal flourish at the end.

Clark Anderson, Project Manager  
Local Government Commission